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8 Attorneys for Plaintiff  
FACEBOOK, INC.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 POWER VENTURES, INC. a Cayman Island  
corporation, STEVE VACHANI, an individual;  
18 DOE 1, s/b/a POWER.COM, DOES 2-25,  
inclusive,

19 Defendants.

Case No. 5:08-cv-05780-JW (JCS)

**DECLARATION OF MONTE M.F.  
COOPER IN SUPPORT OF THE  
PARTIES' JOINT LETTER  
REGARDING THE EXCLUSION OF  
TESTIMONY AT TRIAL OF POWER'S  
FORMER BRAZILIAN EMPLOYEES,  
OR IN THE ALTERNATIVE, THE  
PRODUCTION OF FORMER POWER  
EMPLOYEES FOR DEPOSITION**

Dept: Courtroom 9, 19th Floor  
Judge: Hon. Chief Judge James Ware

1 I, Monte M.F. Cooper, declare:

2 1. I am a member of, and in good standing with, the Bar of the State of California and  
3 am admitted to practice before this Court. I am an attorney at the law firm of Orrick, Herrington  
4 & Sutcliffe LLP, counsel to Plaintiff Facebook, inc. ("Facebook"). I make this declaration in  
5 support of the Parties' Joint Letter regarding the Exclusion of Testimony at Trial of Power  
6 Ventures, Inc.'s Former Brazilian Employees, or in the alternative, the Production of Former  
7 Power Employees for Deposition. I have personal knowledge of the matters stated herein, and if  
8 called as a witness could and would testify competently thereto.

9 2. Attached hereto as **Exhibit A** is true and correct copies of excerpts of the July 20,  
10 2011 deposition transcript of Steve Vachani. **[LODGED UNDER SEAL—DESIGNATED**  
11 **“HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” PURSUANT TO**  
12 **PROTECTIVE ORDER]**

13 3. Attached hereto as **Exhibit B** is true and correct copies of transcript excerpts from  
14 the January 9, 2012 deposition of Power Ventures, Inc., taken pursuant to Federal Rule of Civil  
15 Procedure 30(b)(6). **[LODGED UNDER SEAL—DESIGNATED “HIGHLY**  
16 **CONFIDENTIAL—ATTORNEYS’ EYES ONLY” PURSUANT TO PROTECTIVE**  
17 **ORDER]**

18 4. Attached hereto as **Exhibit C** is a true and correct copy of Facebook's Second  
19 Amended Rule 26 disclosures served on Defendants on January 13, 2012.

20 5. Attached hereto as **Exhibit D** is a true and correct copy of a December 1, 2008  
21 document titled "Power.com Executive Team, Bates numbered NIEHAUS PRODUCTION 00129  
22 – FBPOWER00130. **[LODGED UNDER SEAL—DESIGNATED “HIGHLY**  
23 **CONFIDENTIAL—ATTORNEYS’ EYES ONLY” PURSUANT TO PROTECTIVE**  
24 **ORDER]**

25 6. Attached hereto as **Exhibit E** is a true and correct copy of a November 6, 2011  
26 correspondence between Eric Santos and Steve Vachani, Bates numbered FBPOWER00322-  
27 FBPOWER00324. The document contains portions of text in Portuguese and is followed by a  
28 certified translation in English and a signed notarized certification created by the company,

1 TransPerfect Translations, Orrick retained to perform the translation. **[LODGED UNDER**  
2 **SEAL—DESIGNATED “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY”**  
3 **PURSUANT TO PROTECTIVE ORDER]**

4 7. Attached hereto as **Exhibit F** is a true and correct copy of an October 20, 2011  
5 correspondence between Eric Santos and Steve Vachani, Bates numbered FBPOWER00399-  
6 FBPOWER00403. The document contains portions of text in Portuguese and is followed by a  
7 certified translation in English and a signed notarized certification created by the company,  
8 TransPerfect Translations, Orrick retained to perform the translation. **[LODGED UNDER**  
9 **SEAL—DESIGNATED “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY”**  
10 **PURSUANT TO PROTECTIVE ORDER]**

11 8. Attached hereto as **Exhibit G** is a true and correct copy of an August 21, 2011  
12 correspondence between Eric Santos and Steve Vachani, Bates numbered FBPOWER00349-  
13 FBPOWER00351. The document contains portions of text in Portuguese and is followed by a  
14 certified translation in English and a signed notarized certification created by the company,  
15 TransPerfect Translations, Orrick retained to perform the translation. **[LODGED UNDER**  
16 **SEAL—DESIGNATED “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY”**  
17 **PURSUANT TO PROTECTIVE ORDER]**

18 9. Attached hereto as **Exhibit H** is a true and correct copy of an October 8, 2011  
19 correspondence between Eric Santos and Steve Vachani, Bates numbered FBPOWER00371-  
20 FBPOWER00382. The document contains portions of text in Portuguese and is followed by a  
21 certified translation in English and a signed notarized certification created by the company,  
22 TransPerfect Translations, Orrick retained to perform the translation. **[LODGED UNDER**  
23 **SEAL—DESIGNATED “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY”**  
24 **PURSUANT TO PROTECTIVE ORDER]**

25 10. Attached hereto as **Exhibit I** is a true and correct copy of Facebook’s Notice of  
26 Deposition of Eric Santos served on June 6, 2011.

27 11. Attached hereto as **Exhibit J** is a true and correct copy of a September 16, 2011  
28 correspondence between Facebook’s and Defendants’ counsel.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 26th day of January, 2012 at Menlo Park, California.

ORRICK, HERRINGTON &  
SUTCLIFFE LLP  
ATTORNEYS AT LAW  
SILICON VALLEY

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DECLARATION OF M. COOPER ISO OF JOINT  
LETTER RE EXCLUSION OF TESTIMONY AT TRIAL  
5:08-cv-05780-JW (JSC)